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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Early
Termination of Probation By:

OAH No. 2011020272

LISA MARISCAL-PARKS
2623 McLaughlin Drive
Caldwell, ID 83607

Vocational Nurse License No.
VN 178786

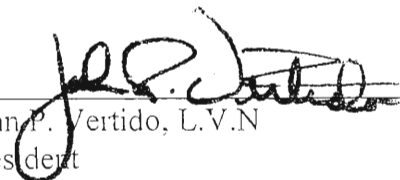
Petitioner.

DECISION DENYING PETITION FOR RECONSIDERATION

The Board of Vocational Nursing and Psychiatric Technicians hereby denies your Petition for
Reconsideration of its May 17, 2011 Decision in the above-entitled matter.

This Decision shall become effective on May 27, 2011.

IT IS SO ORDERED this 26th day of May, 2011.



John P. Vertido, L.V.N.
President

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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Early
Termination of Probation By:

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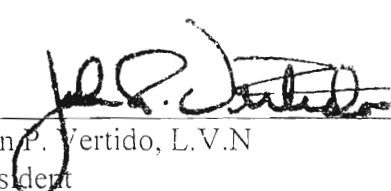
Vocational Nurse License No.
VN 178786

Petitioner.

ORDER DELAYING DECISION

Pursuant to Section 11521(a) of the Government Code, the Board of Vocational
Nursing and Psychiatric Technicians (Board) hereby issues this Order Delaying Decision in the
above-stated case until May 27, 2011. The purpose of the delay is to permit the Board to review
your Petition for Reconsideration.

IT IS SO ORDERED this 12th day of May, 2011.


John P. Vertido, L.V.N.
President

BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Termination of Probation By:

LISA MARISCAL-PARKS,

Petitioner.

OAH No. 2011020272

DECISION

This matter was heard by a quorum of the Board of Vocational Nursing and Psychiatric Technicians (Board) on February 24, 2011, in Los Angeles. Eric Sawyer, Administrative Law Judge, Office of Administrative Hearings, State of California, presided. The record was closed and the matter was submitted for decision, following which the Board met in an executive session and decided the matter after the hearing.

Lisa Mariscal-Parks (Petitioner) appeared and represented herself.

Langston W. Edwards, Deputy Attorney General, represented the Attorney General of the State of California pursuant to Business and Professions Code section 2878.7.

FACTUAL FINDINGS

1. On November 8, 1996, the Board issued Vocational Nurse License No. VN 178786 to Petitioner.

2A. By a Default Decision and Order (Board Case No. 6566), the Board revoked Petitioner's license, effective September 20, 2004. The cause for that discipline was Petitioner's convictions in 1999 for possessing a controlled substance (cocaine) and in 2000 for forgery and resisting an officer.

2B. Effective March 22, 2008, the Board granted Petitioner's reinstatement petition, and placed her license on probation for three years under various terms. Petitioner was not ordered to pay costs to the Board.

3. The petition for termination of probation was filed with the Board on November 8, 2010; it is timely and meets all jurisdictional requirements. Petitioner currently lives in Idaho with her family. She would like to have her license status in California cleared so that if she needs to return in the future to care for her elderly parents she will be licensed to do so. She also stated that clearing her California license will help clear her Idaho license.

4. Petitioner has resided in Idaho since her California license was reinstated. Therefore, the probationary period of her California license has been tolled the entire time, and she has not complied with the terms of her probation, other than her passing the licensure examination in 2009.

5. There is no evidence that Petitioner has committed any subsequent acts which would be violations of the pertinent laws related to the Board's licensees or which would be considered grounds for denial of an application for a license.

6. Petitioner was issued a temporary vocational nurse license by the State of Idaho after her California license was reinstated. Her Idaho license was restricted because her California license was restricted. However, after she submitted her petition, Idaho has issued Petitioner a permanent, unrestricted license.

7. Petitioner's date of sobriety is July 1, 2004. She appears to be committed to maintaining her sobriety. She has a stable and loving family life. She regularly attends support group meetings, and also attends church and bible study.

8. A number of character reference letters in favor of Petitioner were submitted.

9. Petitioner provided evidence of completion of some continuing education coursework. She is also pursuing an R.N. degree through a home-study course.

10. Petitioner has remained employed in the vocational nursing field in Idaho since her California license was reinstated. She has received very good work performance reviews and she is respected by her colleagues at work.

LEGAL CONCLUSIONS

1. *Burden of Proof.* The burden in a petition for reduction of administrative discipline rests with Petitioner. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.) The standard of proof is clear and convincing evidence to a reasonable certainty. (*Hippard v. State Bar* (1989) 49 Cal.3d 1084.)

2. *Standard of Review.* Business and Professions Code section 2878.7 provides the Board with authority to terminate probation for reasons the Board deems sufficient. In doing so, the Board may impose reasonable conditions. (Bus. & Prof. Code, § 2878.7, subd. (d).)

3. *Disposition.* In this case, Petitioner did not meet her burden of establishing clearly and convincingly that cause exists to terminate her probation pursuant to Business and Professions Code section 2878.7. Petitioner has demonstrated encouraging progress in rebuilding her personal and professional life, as well as her commitment to sobriety. However, the primary problem she sought to resolve by her petition, i.e., the restricted status of her Idaho license, has resolved. What remains is the fact that Petitioner has done nothing


to comply with the terms of her probation in California, other than passing the licensure examination. Petitioner has deprived the Board of an opportunity to confirm her current status, personally and professionally. Under these circumstances, no public safety purpose will be facilitated by terminating her probation. (Factual Findings 1-10.)

ORDER

The petition for termination of probation by Lisa Mariscal-Parks is denied.

This Decision shall be effective May 17, 2011.

Dated: May 2, 2011



John Vertido, L.V.N.,
President, California Board of Vocational
Nursing and Psychiatric Technicians